

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

A MARIE WILSON,
Plaintiff,

v.

SOFIE LIU,
Defendant.

Case No. 19-cv-04226-PJH

ORDER

The court is in receipt of plaintiff A Marie Wilson's complaint and motion for an injunction related to her alleged pending eviction. Based on the papers filed by plaintiff, the court cannot determine the urgency of plaintiff's present motion. Specifically, plaintiff has not stated when she believes her eviction will occur and the basis for that belief. And there is nothing in the present record from which the court can infer when the eviction will occur. In addition, based on the present filings, the court is unable to determine what relief plaintiff's motion seeks. Without such information, the court will not rule on plaintiff's motion because the party seeking an emergency injunction "must establish that [s]he is likely to succeed on the merits, that [s]he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." Am. Trucking Assn's, Inc. v. City of Los Angeles, 559 F.3d 1046, 1052 (9th Cir. 2009). Further, the plaintiff must "demonstrate immediate threatened injury." Koller v. Brown, 224 F. Supp. 3d 871, 879 (N.D. Cal. 2016).

The court is also not presently inclined to rule on plaintiff's motion without the defendant being given the opportunity to respond.

Accordingly, the court hereby orders the following:

1. Plaintiff shall serve the defendant with this order and plaintiff's complaint, motion, and supporting exhibits no later than Thursday, July 25, 2019, at 9:00 a.m.
2. No later than Friday, July 26, 2019, at 9:00 a.m., plaintiff shall file a supplemental brief and exhibits, if any, pertaining to the issues discussed above and any other issues relevant to plaintiff's motion for an injunction. That supplemental brief shall also be served on defendant the same day it is filed with this court.
3. Defendant shall file a response to plaintiff's motion no later than Monday, July 29, 2019, at 9:00 a.m.
4. Plaintiff may file a reply to defendant's response no later than Tuesday, July 30, 2019, at 9:00 a.m.
5. A hearing will be held on plaintiff's motion on July 31, 2019, at 9:00 a.m., in Courtroom 3, 3rd Floor, Federal Building, 1301 Clay Street, Oakland, California.
6. Plaintiff's motion to proceed in forma pauperis is GRANTED. The court will conduct a 28 U.S.C. § 1915 review in conjunction with its eventual ruling on plaintiff's motion for an injunction.

Plaintiff may wish to seek free legal advice by calling the Legal Help Center at 415-782-8982 or by signing up for an appointment at the Legal Help Center, 450 Golden Gate Avenue, 15th Floor, Room 2795, San Francisco California 94102. The litigant can speak with an attorney who will provide basic legal help, but not legal representation.

IT IS SO ORDERED.

Dated: July 24, 2019



PHYLLIS J. HAMILTON
United States District Judge